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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

Marc Hobe', a single man,) No. CV-09-405-PHX-DGC
Plaintiff,) ORDER
vs.)
United States Department of Education;)
Pioneer Recovery; and James Farrar,)
Defendants.)

15 This suit concerns collection efforts relating to Plaintiff's student loans. See Dkt. #1.
16 Plaintiff filed a motion for expedited hearing and service by U.S. Marshal. Dkt. #7.
17 Defendants United States Department of Education ("DOE") and James Farrar filed a
18 response. Dkt. #9. The Court issued an order denying the motion on April 7, 2009,
19 concluding that service by the U.S. Marshal's office was not appropriate at this time because
20 Plaintiff has not sought in forma pauperis status and it appears that Defendant Farrar may be
21 served via certified mail. Dkt. #10.

22 That same day, and prior to receiving the Court’s order, Plaintiff filed a “response and
23 motion to the Court” seeking clarification of Defendants’ response. Dkt. #12. Plaintiff states
24 that counsel for Defendant DOE has not made clear the capacity in which she represents
25 Defendant Farrar in this case. *Id.* at 1. Plaintiff further asserts that Defendant Farrar has
26 refused to accept service via certified mail and that he is willing to provide defense counsel
27 with a copy of the complaint if counsel is willing to accept service on behalf of Defendant
28 Farrar. *Id.* at 1-2.

1 Defendants have filed a response stating that Plaintiff's motion appears to be moot in
2 light of the Court's April 7 order, but indicating that they will file a substantive response if
3 requested by the Court. Dkt. #16. The Court will require Defendants to file a response
4 addressing (1) the capacity in which defense counsel represents Defendant Farrar in this
5 matter, (2) whether counsel is willing to accept service on behalf of Defendant Farrar and,
6 if not, (3) whether Defendant Farrar has refused service via certified mail.

7 Plaintiff has filed a motion to compel disclosures and set this matter for trial. Dkt.
8 #14. The Court will deny the motion. A case management schedule will be set once all
9 defendants have been served with process and have answered the complaint.

IT IS ORDERED:

15 DATED this 28th day of April, 2009.

Daniel G. Campbell

**David G. Campbell
United States District Judge**